



VIRGINIA COMMISSION ON YOUTH

Meeting Minutes

Commission on Youth Meeting

Virtual Meeting

December 9, 2020
10:00 a.m.

Members:

Senators: Dave Marsden, Barbara Favola, David Suetterlein

Delegates: Emily Brewer, Rob Bell, Joshua Cole, Karrie Delaney, Elizabeth Guzman, Jay Jones

Citizen Members: Dede Goldsmith, Chris Rehak, Avi Hopkins

Staff:

Amy Atkinson, Will Egen

I. Call to Order and Opening Remarks

The Honorable Dave Marsden, Chairman

Senator Marsden welcomed Commissioners and the public and asked members of the Commission to introduce themselves. After thanking Maryann Horch and the Senate IT team for setting up the virtual meeting, Senator Marsden announced that the Commission will be returning \$40,000 savings to the General Assembly.

II. Legal Guardianship of a Minor by Court Petition – Decision Matrix

Amy M. Atkinson, Executive Director

Ms. Atkinson thanked Advisory Group co-chairs, Senator Favola and Delegate Brewer.

After noting that written public comment has been received and reviewed by the advisory group, Ms. Atkinson stated that the advisory group and members of the public are in agreement on proposed recommendations.

Ms. Atkinson summarized each of the three recommendations and the comments received in the decision matrix for this study.

Senator Favola made a motion that recommendations be voted on in a block. Delegate Guzman seconded the motion. The motion passed unanimously.

Senator Favola recommended that the Commission support a letter to the Department of Social Services requesting that they develop a diversion program that gives financial support to kinship caregivers who are awarded temporary custody by the courts. She noted that there is a lack of financial support currently available for these caregivers, and that this is currently a barrier to diversion. Senator Marsden agreed that Senator Favola's proposal is a good first step to securing financial support for kinship caregivers. The motion was seconded and passed unanimously.

Senator Favola requested that the Commission submit a budget amendment that contained the same language as her proposed letter to DSS. She said there would not be any fiscal impact to her knowledge. Senator Marsden agreed and noted that appropriate sponsors would be discussed. The motion was seconded and passed unanimously.

Senator Favola stated that the Commission has been briefed that, during the pandemic, federal money has been used to assist foster youth who are 21 and graduating from the Fostering Futures program. Through no fault of their own, these youth are having difficulty paying bills, finding jobs, and pursuing educational opportunities. Federal funds will run out by the end of January. She proposed that VCOY put forward a budget amendment that asks DSS to draw down any one-time federal dollars that may come available in order to support youth aging out of the fostering futures program through September 2021. Senator Marsden asked staff to see if this was already in the Governor's budget. Motion was seconded and passed unanimously.

Adopted Recommendations:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendations related to this study:

Guardianship

1. Request that the Virginia Department of Social Services convene a study group with impacted stakeholders to study ways to develop full/permanent, temporary, and limited guardianship in Virginia to reflect the need for additional permanency goals for children. Further, request that the Virginia Department of Social Services complete its study and submit a final report with recommendations to the Commission on Youth and the Governor by December 1, 2021.

For this work group, the Virginia Department of Social Services shall collaborate with the Virginia Family Law Coalition, family law attorneys, the Supreme Court of Virginia, Juvenile and Domestic Relations District Court judges, local departments of social services, advocates, parents, and any other interested stakeholders that it deems appropriate.

Family Partnership Meetings

2. Request that the Board of Social Services develop regulations for the use of family partnership meetings by local departments.

Kinship Navigator

3. Introduce a budget amendment to enact funding for a statewide Kinship Navigator Program. The budget amendment amount will be based on input from the Virginia Department of Social Services.

Diversion Program Supports

4. Request by letter and direct by budget amendment for the Virginia Department of Social Services to create a diversion program supporting relative and fictive kin families who have received temporary physical and legal custody from the court. DSS shall develop a diversion program that makes use of all federal and state monies available to provide a payment to relative and fictive kin families who have temporary custody through a court order that is equal to the monthly payments that current foster care families receive. DSS shall investigate the feasibility of using Family First dollars as a part of this payment. The Department shall report back to the Commission on Youth by November 30, 2021, with the steps needed to implement the diversion program.

Additional Recommendation

Introduce a budget amendment to extend financial support to youth aging out of Fostering Futures at age 21 until September 2021. Current funding utilizing the federal John H. Chafee Foster Care Program for Successful Transition to Adulthood funds ends in January 2021. The Department of Social Services shall investigate federal funding opportunities that may become available to support youth aging out of the Fostering Futures program and shall draw down such federal funding as it may become available with the goal of support through September 2021.

Public Comment:

Due to technical issues, public comment was delayed until the conclusion of this agenda item. Public comment was made by citizen B.J. Brown. Ms. Brown discussed her concerns with DSS foster care procedures and described how they negatively affected her family. She was also concerned that there was no oversight beyond the local level. Delegate Guzman offered to assist Ms. Brown with any issues.

III. Education in Local Juvenile Detention Centers – Decision Matrix

Amy M. Atkinson, Executive Director

Senator Marsden gave an overview of this study, noting that juvenile detention has seen a dramatic decrease in their Average Daily Population (ADP) over the last two decades, while education funding through State Operated Programs has continued to increase over this same period. He stated that draft recommendations presented at the last meeting received a wide range of comment – with many concerns expressed on some of the recommendations. He believes that the best approach is a compromise recommendation, which directs the Board of Education to continue to study the issue over the course of the next year. Because JLARC is conducting a study on Virginia's juvenile justice system, he hopes that JLARC, DOE, and VCOY

will have gathered enough information by next year so that Virginia can make any needed modifications to its juvenile detention education system.

Amy Atkinson noted that the Advisory Group did not achieve consensus on draft recommendations proposed in the last meeting. She reviewed these recommendations, including the Chair's compromise recommendation.

Ms. Atkinson noted that there was no public comment for this study, as the one person who signed up for public comment did not join the virtual meeting.

Senator Marsden clarified that the compromise recommendation would be incorporated into the budget amendment. Delegate Cole made a motion to adopt the Chair's compromise recommendation. The motion was seconded. Senator Favola requested that the recommendation be amended to clarify that DJJ and a representative from the detention association would participate in the workgroup, and staff agreed to modify the recommendation. The motion was passed unanimously.

Adopted Recommendation:

Draft and adopted recommendations, including the decision matrix, can be found on the Commission's website under the Meetings tab. The Commission on Youth approved the following recommendation related to this study:

1. Introduce a budget amendment directing the Board of Education to recommend (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

The Board shall consider (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal Prison Rape Elimination Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and dually-certified teachers and principals, and utilizing lead teachers in lieu of a full-time principals in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.

The Board shall convene a workgroup to assist in the development of findings and recommendations and shall include staff members from the Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice,

President of the Virginia Juvenile Detention Association or his/her designee, the chair of the Virginia Commission on Youth or his/her designee, and anyone else the Board deems as appropriate to serve on the workgroup. Findings and recommendations shall be reported to the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021.

IV. Election of Chair and Vice Chair

The Honorable Dave Marsden, Chairman

Delegate Delaney made a motion to reelect Senator Marsden and Delegate Brewer for a second term. Delegate Cole seconded the motion. The motion was passed unanimously.

V. Adjourn

Senator Marsden thanked Commission members and members of the public for attending.

The meeting adjourned at 10:47 a.m.

The video of this meeting can be found at the following link: [Meeting Video Archive](#)